

Abstract

MARRIAGE

The purpose of my thesis is to describe and to analyse individual aspects of marriage. The reason for choosing this topic is the fact that the marriage is legal institution which is part of life of nearly every single person. The aim of this paper is to analyse this topic from the view of the current legislation on the conclusion of the marriage, on mutual relationships between spouses and on the end of marriage.

The thesis is composed of four chapters, each of them dealing with different aspects of the marriage. Besides these four chapters the paper also contains the introduction, the conclusion, appendices and bibliography.

Chapter One contains basic and historically most important facts and periods that affected development of the institution of marriage starting with Roman law, next dealing with significant influence of canon law which constituted rules and principles that define marriage basically up to this day. Finally it describes conception of this legal institution nowadays.

Chapter Two examines the concept and the purpose of marriage, statutory requirements and qualifications for conclusion of marriage, proceedings preceding conclusion of marriage and formalities of wedding. The important part of this chapter is treatise on the legislation on nullity and non-existence of marriage.

Chapter Three describes and analyses mutual rights and duties of spouses, which originate after conclusion of marriage. They are divided into rights and duties with personal character, personal-property character and property character, including the community property of spouses.

Chapter Four concentrates on the possible ways of ending of marriage, which are the ending of marriage because of the death of one (both) of the spouses, eventually because of the declaration of death and the divorce. It provides also the analysis of different variants of divorce including legal consequences of the end of marriage.

Conclusion looks at the list of deficiencies of current legislation on marriage and its anticipated solutions in the proposition of the new Civil Code.